



U.S. House of Representatives

Committee on the Judiciary

F. James Sensenbrenner, Jr., Chairman

<http://judiciary.house.gov/>

News Advisory

For immediate release
March 15, 2006

Contact: Jeff Lungren/Terry Shawn
202-225-2492

Crime Subcommittee Hearing Thursday on Post-*Booker* Federal Sentencing Practices

What: Oversight hearing entitled, "*U.S. v. Booker*: One Year Later – Chaos or Status Quo?"

Who: Subcommittee on Crime, Terrorism, and Homeland Security – Rep. Howard Coble (R-N.C.), Chairman

When: 10:30 a.m., Thursday, March 16, 2006

Where: 2141 Rayburn Building

Last year, the Supreme Court's *Booker* decision invalidated the mandatory sentencing requirement of the Sentencing Guidelines, making the Guidelines advisory in nature. Members of Congress agreed to wait and evaluate how federal judges would utilize their expanded discretion in sentencing defendants before seeking a legislative remedy to the *Booker* ruling. The U.S. Sentencing Commission yesterday released its report http://www.ussc.gov/booker_report/Booker_Report.pdf on *Booker's* impact on federal sentencing.

FINDINGS...

- ✓ Despite the PROTECT Act's increased penalties and added protections against sex offenders, pedophiles, and child pornographers, the rate of below-range sentences has increased for almost all sexual offenses.
- ✓ The rate of below-range sentences for career offenders has more than doubled.
- ✓ Overall, the rate of below-range sentences has increased following the *Booker* decision. At the same time, defendants are, on average, receiving the same or higher sentences than before *Booker*.

THIS HEARING WILL...

- ⇒ Examine the impact of the *Booker* decision on the federal sentencing in the year following the decision, the rate of appeals of pre-*Booker* sentences, and the application of the reasonableness standard for appellate review of downward departures.

WITNESSES: **William W. Mercer**, Principal Associate Deputy Attorney General and United States Attorney for the District of Montana; **The Honorable Ricardo H. Hinojosa**, United States District Judge, and Chairman, United States Sentencing Commission; **The Honorable Paul G. Cassell**, United States District Judge, United States District Court for the District of Utah; and **James Felman**, Partner, Kynes, Markman & Felman PA, Tampa, Florida.

####